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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,005	02/19/2002	Jeffrey R. Oar	10006644-1	1271

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EXAMINER

REHMAN, MOHAMMED H

ART UNIT	PAPER NUMBER
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2116

NOTIFICATION DATE	DELIVERY MODE
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03/20/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/081,005	Applicant(s) OAR ET AL.	
	Examiner MOHAMMED H. REHMAN	Art Unit 2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The office acknowledges the receipt of the following and placed of record in the file:

Amendment dated 12/22/08

2. **Claims 23-37** are presented for examination and cancelled claims 1-22.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 23, 24, 26, 27, 29, 30 and 32-37** are rejected under 35 U.S.C. 102(e) as being anticipated by Yamada et al. (hereinafter, “Yamada”), U.S. Patent Application Publication No. 2002/0023237.

As per Claim 23, Yamada teaches a method by which a portable computer [Fig-6(100)] interacts with a handheld device [Fig-6(200)], the method comprising the following:

waking the portable computer (100) from a sleep mode in response to the portable computer receiving a wireless communication directly from the handheld device (200) with no intervening devices and no intermediary devices [Para: 0040; Fig-3(A6 to A5)];

recognizing the wireless communication by the portable computer [Para: 0059];

responding to the wireless communication by the portable computer, including the following : generating a response (“PDA 200 access the notebook computer 100 and receive data”), and

transmitting the response to the handheld device, the transmitting being performed via another wireless communication transmission [Para: 0060 (“transmission and reception of data is executed wireless by Bluetooth IF provided in both PDA and personal computer”)]; and, returning the portable computer to the sleep mode [Para: 0045].

As per claim 24, Yamada teaches a method wherein the transmission of the response by the portable computer is made directly to the hand held device via a wireless network (figure 6).

As per Claims 26 and 29, Yamada teaches a method by which a portable computer [Fig-6(100)] interacts with a handheld device [Fig-6(200)], the method comprising the following:

waking the portable computer from a sleep mode in response to the portable computer receiving a wireless communication directly from the handheld device with no intervening devices and no intermediary devices [Para: 0040; Fig-3(A6 to A5)];

recognizing the wireless communication by the portable computer [Para: 0059];

performing an action in response to the wireless communication by the handheld device [Para: 0060 (“PDA 200 access the notebook computer 100 and receive data”)]; and,

returning the portable computer to the sleep mode in response to performing the action [Para: 0045].

• **As per claims 27 and 30**, King teaches a method wherein the wireless communication is performed via a wireless network (Fig-8).

• **As per claim 32, 33, and 34**, King teaches wherein the handheld device is a personal digital assistant (PDA) [Para: 0055; Fig-6(200)].

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- **As per claims 35, 36 and 37**, Yamada teaches where the sleep mode is a low power state [Para: 0047].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 23-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No 6785724 to Drainville et al. (hereinafter, “Drainville”), in view of Yamada et al. (hereinafter, “Yamada”), U.S. Patent Application Publication No. 2002/0023237.

As per claim 23, Drainville discloses a method by which a portable computer (server 22) interacts with a client, the method comprising the following:

- Waking the portable computer [Fig-1, (server 22)] from a sleep mode in response to the portable computer receiving a communication indirectly from the client (column 1, lines 62-64);
- Recognizing the communication by the portable computer (inherent given the computer responding to the communication);
- Responding to the communication by the portable computer, including the following:
 - Generating a response (column 2, lines 25-31), and
 - Transmitting the response to the client, the transmitting being performed via another communication transmission (column 2, lines 25-31); and,
- Returning the portable computer to the sleep mode (column 6, lines 37-40; the phone tap method described in column 6, lines 3-13 is a method of waking the server, thus the system is inherently put to sleep after the client request has been answered).

Drainville fails to disclose a handheld device and the handheld device waking the portable computer from sleep mode by a wireless communication directly from the hand held device with no intervening devices and no intermediary devices. Yamada teaches a handheld device [Fig-6(200)] and the handheld device waking a portable computer [Fig-6(100)] from sleep mode by a wireless communication directly from the hand held device with no intervening devices and no intermediary devices [Para: 0060 – 0062]. An advantage of the system taught by Yamada is a quickly achieved secure connection. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Drainville by Yamada. Motivation to combine is the ability to quickly create a secure connection.

- **As per claim 24**, Yamada teaches a method wherein the transmission of the response by the portable computer is made directly to the hand held device via a wireless network (figure 6).
- **As per claim 25**, Drainville teaches a method wherein the communication is an access by the client into a database within the portable computer (column 1, lines 62-64; column 2, lines 25-31).

Yamada teaches communication that is a wireless communication from a handheld device (Paras: 0048 and 0055).

- **As per claim 33**, Yamada teaches wherein the handheld device is a personal digital assistant (PDA) [Fig-6 (200)].
- **As per claims 26 and 29**, Drainville discloses a method by which a portable computer [Fig-1(server-22)] interacts with a client, the method comprising the following:

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- Waking the portable computer [Fig-1, (server-22)] from a sleep mode in response to the portable computer receiving a communication from the client (column 1, lines 62-64);
- Recognizing the communication by the portable computer (inherent given the computer responding to the communication);
- Performing an action in response to the communication by the client (column 2, lines 25-31);
- Returning the portable computer to the sleep mode in response to performing the action (column 6, lines 37-40; the phone tap method described in column 6, lines 3-13 is a method of waking the server, thus the system is inherently put to sleep after the client request has been answered).

Yamada teaches a handheld device [Fig-6(200)] and the handheld device waking a portable computer [Fig-6(100)] from sleep mode by a wireless communication directly from the hand held device with no intervening devices and no intermediary devices [Para: 0060 – 0062]

- **As per claims 27 and 30**, Yamada teaches a method wherein the wireless communication is performed via a wireless network (Paras: 0048 and 0055).
- **As per claims 28 and 31**, Drainville teaches a method wherein the communication is an access by the client into a database within the portable computer (column 1, lines 62-64; column 2, lines 25-31). Yamada teaches communication that is a wireless communication from a handheld device (Paras: 0048 and 0055).
- **As per claims 32 and 34**, Yamada teaches wherein the handheld device is a personal digital assistant (PDA) [Fig-6 (200)].

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- **As per claims 35, 36 and 37**, Drainville teaches where the sleep mode is a low power state

[col-1 lines: 62-64 (access is made after wake up thus indicate the server was sleeping, i.e. a low power state.)

Response to Arguments

5. Applicant's arguments filed 12/22/08, with respect to the rejection(s) of **Claims 23, 26** and **29** have been fully considered and are persuasive. However, upon further consideration, a new ground(s) of rejection is made.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMED H. REHMAN whose telephone number is (571)272-1412. The examiner can normally be reached on 9.00-5.00 (Mon - Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mohammed H. Rehman/
Examiner, Art Unit 2116

/Thomas Lee/

Supervisory Patent Examiner, Art Unit 2115